

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 6825
OFFERED BY MR. THOMPSON OF MISSISSIPPI**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Nonprofit Security
3 Grant Program Improvement Act of 2022”.

**4 SEC. 2. ENHANCEMENTS TO FUNDING AND ADMINISTRA-
5 TION OF NONPROFIT SECURITY GRANT PRO-
6 GRAM OF THE DEPARTMENT OF HOMELAND
7 SECURITY.**

8 (a) IN GENERAL.—Section 2009 of the Homeland
9 Security Act of 2002 (6 U.S.C. 609a) is amended—

10 (1) in subsection (a), by inserting “and
11 threats” before the period at the end;

12 (2) in subsection (b)—

13 (A) in the matter preceding paragraph (1),
14 by striking “this” before “subsection”; and

15 (B) by amending paragraph (2) to read as
16 follows:

17 “(2) determined by the Secretary to be at risk
18 of terrorist attacks and threats.”;

1 (3) in subsection (c)—

2 (A) by redesignating paragraphs (1), (2),
3 and (3) as subparagraphs (A), (B), and (E), re-
4 spectively, and moving such subparagraphs, as
5 so redesignated, two ems to the right;

6 (B) in the matter preceding subparagraph
7 (A), as so redesignated, by striking “The recipi-
8 ent” and inserting the following:

9 “(1) IN GENERAL.—The recipient”;

10 (C) in subparagraph (A), as so redesi-
11 gnated, by striking “equipment and inspection
12 and screening systems” and inserting “equip-
13 ment, inspection and screening systems, and al-
14 teration or remodeling of existing buildings or
15 physical facilities”;

16 (D) by inserting after subparagraph (B),
17 as so redesignated, the following new subpara-
18 graphs:

19 “(C) Facility security personnel costs, in-
20 cluding costs associated with contracted secu-
21 rity.

22 “(D) Expenses directly related to the ad-
23 ministration of the grant, except that such ex-
24 penses may not exceed five percent of the
25 amount of the grant.”; and

1 (E) by adding at the end the following new
2 paragraph:

3 “(2) RETENTION.—Each State through which a
4 recipient receives a grant under this section may re-
5 tain up to five percent of each grant for expenses di-
6 rectly related to the administration of the grant.”;

7 (4) in subsection (e)—

8 (A) by striking “2020 through 2024” and
9 inserting “2022 through 2028”; and

10 (B) by adding at the end the following new
11 sentence: “Each such report shall also include
12 information on the number of applications sub-
13 mitted by eligible nonprofit organizations to
14 each State, the number of applications sub-
15 mitted by each State to the Administrator, and
16 the operations of the Nonprofit Security Grant
17 Program Office, including staffing resources
18 and efforts with respect to subparagraphs (A)
19 through (E) of subsection (c)(1).”;

20 (5) by redesignating subsection (f) as sub-
21 section (j);

22 (6) by inserting after subsection (e) the fol-
23 lowing new subsections:

24 “(f) ADMINISTRATION.—Not later than 120 days
25 after the date of the enactment of this subsection, the Ad-

1 administrator shall establish within the Federal Emergency
2 Management Agency a program office for the Program (in
3 this subsection referred to as the ‘program office’). The
4 program office shall be headed by a senior official of the
5 Agency. The Administrator shall administer the Program
6 (including, where appropriate, in coordination with
7 States), including relating to the following:

8 “(1) Outreach, engagement, education, and
9 technical assistance and support to eligible nonprofit
10 organizations described in subsection (b), with par-
11 ticular attention to such organizations in under-
12 served communities, prior to, during, and after the
13 awarding of grants, including web-based training
14 videos for eligible nonprofit organizations that pro-
15 vide guidance on preparing an application and the
16 environmental planning and historic preservation
17 process.

18 “(2) Establishment of mechanisms to ensure
19 program office processes are conducted in accord-
20 ance with constitutional, statutory, regulatory, and
21 other legal and agency policy requirements that pro-
22 tect civil rights and civil liberties and, to the max-
23 imum extent practicable, advance equity for mem-
24 bers of underserved communities.

1 “(3) Establishment of mechanisms for the Ad-
2 ministrator to provide feedback to eligible nonprofit
3 organizations that do not receive grants.

4 “(4) Establishment of mechanisms to collect
5 data to measure the effectiveness of grants under
6 the Program.

7 “(5) Establishment and enforcement of stand-
8 ardized baseline operational requirements for States,
9 including requirements for States to eliminate or
10 prevent any administrative or operational obstacles
11 that may impact eligible nonprofit organizations de-
12 scribed in subsection (b) from receiving grants under
13 the Program.

14 “(6) Carrying out efforts to prevent waste,
15 fraud, and abuse, including through audits of grant-
16 ees.

17 “(g) GRANT GUIDELINES.—For each fiscal year,
18 prior to awarding grants under this section, the Adminis-
19 trator—

20 “(1) shall publish guidelines, including a notice
21 of funding opportunity or similar announcement, as
22 the Administrator determines appropriate; and

23 “(2) may prohibit States from closing applica-
24 tion processes prior to the publication of such guide-
25 lines.

1 “(h) ALLOCATION REQUIREMENTS.—

2 “(1) IN GENERAL.—In awarding grants under
3 this section, the Administrator shall ensure that—

4 “(A) 50 percent of amounts appropriated
5 pursuant to the authorization of appropriations
6 under subsection (k) is provided to eligible re-
7 cipients located in high-risk urban areas that
8 receive funding under section 2003 in the cur-
9 rent fiscal year or received such funding in any
10 of the preceding ten fiscal years, inclusive of
11 any amounts States may retain pursuant to
12 paragraph (2) of subsection (c); and

13 “(B) 50 percent of amounts appropriated
14 pursuant to the authorizations of appropria-
15 tions under subsection (k) is provided to eligible
16 recipients located in jurisdictions not receiving
17 funding under section 2003 in the current fiscal
18 year or have not received such funding in any
19 of the preceding ten fiscal years, inclusive of
20 any amounts States may retain pursuant to
21 paragraph (2) of subsection (c).

22 “(2) EXCEPTION.—Notwithstanding paragraph
23 (1), the Administrator may allocate a different per-
24 centage if the Administrator does not receive a suffi-
25 cient number of applications from eligible recipients

1 to meet the allocation percentages described in ei-
2 ther subparagraph (A) or (B) of such paragraph. If
3 the Administrator exercises the authorization under
4 this paragraph, the Administrator shall, not later
5 than 30 days after such exercise, report to the Com-
6 mittee on Homeland Security of the House of Rep-
7 resentatives and the Committee on Homeland Secu-
8 rity and Governmental Affairs of the Senate regard-
9 ing such exercise.

10 “(i) PAPERWORK REDUCTION ACT.—Chapter 35 of
11 title 44, United States Code (commonly known as the ‘Pa-
12 perwork Reduction Act’), shall not apply to any changes
13 to the application materials, Program forms, or other core
14 Program documentation intended to enhance participation
15 by eligible nonprofit organizations in the Program.”;

16 (7) in subsection (j), as so redesignated—

17 (A) in paragraph (1), by striking “\$75 mil-
18 lion for each of fiscal years 2020 through
19 2024” and inserting “\$75,000,000 for fiscal
20 year 2022 and \$500,000,000 for each of fiscal
21 years 2023 through 2028”; and

22 (B) by amending paragraph (2) to read as
23 follows:

24 “(2) TRANSFERS AUTHORIZED.—During a fis-
25 cal year, the Administrator may transfer not more

1 than five percent of amounts appropriated pursuant
2 to the authorization of appropriations under para-
3 graph (1) or other amounts appropriated or other-
4 wise made available to carry out the Program for
5 such fiscal year to an account of the Federal Emer-
6 gency Management Agency for costs incurred for the
7 management, administration, or evaluation of this
8 section.”; and

9 (8) by adding at the end the following new sub-
10 section:

11 “(k) TREATMENT.—Nonprofit organizations deter-
12 mined by the Secretary to be at risk of extremist attacks
13 other than terrorist attacks and threats under subsection
14 (a) are deemed to satisfy the conditions specified in sub-
15 section (b) if protecting such organizations against such
16 other extremist attacks would help protect such organiza-
17 tions against such terrorist attacks and threats.”.

18 (b) PLAN.—Not later than 90 days after the date of
19 the enactment of this Act, the Administrator of the Fed-
20 eral Emergency Management Agency shall submit to the
21 Committee on Homeland Security of the House of Rep-
22 resentatives and the Committee on Homeland Security
23 and Governmental Affairs of the Senate a plan for the
24 administration of the program office for the Nonprofit Se-
25 curity Grant Program established under subsection (f) of

1 section 2009 of the Homeland Security Act 2002 (6
2 U.S.C. 609a), as amended by subsection (a), including a
3 staffing plan for such program office.

4 (c) CONFORMING AMENDMENT.—Section 2008 of the
5 Homeland Security Act of 2002 (6 U.S.C. 609) is amend-
6 ed—

7 (1) in subsection (c) by striking “sections 2003
8 and 2004” and inserting “sections 2003, 2004, and
9 2009”; and

10 (2) in subsection (e), by striking “sections 2003
11 or 2004” and inserting “sections 2003, 2004, or
12 2009”.

